

Part 4

Department of Transportation Settlement Agreements

63G-10-401 Condemnation, inverse condemnation settlements involving the Department of Transportation.

- (1) Notwithstanding the provisions of this chapter, the Department of Transportation need not obtain the approval of the governor or the Legislature for financial or action settlement agreements that resolve condemnation or inverse condemnation cases.
- (2) Financial settlement agreements involving condemnation or inverse condemnation cases for \$1,000,000 to \$2,000,000 over the Department of Transportation's original appraisal shall be presented to the Transportation Commission for approval or rejection.
- (3)
 - (a) Financial settlement agreements involving condemnation or inverse condemnation cases for more than \$2,000,000 over the Department of Transportation's original appraisal and all action settlement agreements that resolve condemnation or inverse condemnation cases shall be presented:
 - (i) to the Transportation Commission for approval or rejection; and
 - (ii) if the financial or action settlement agreement is approved by the Transportation Commission, to the Legislative Management Committee.
 - (b) The Legislative Management Committee may recommend approval or rejection of the financial or action settlement agreement.
- (4)
 - (a) The Department of Transportation may not enter into a financial settlement agreement that resolves a condemnation or inverse condemnation case and requires payment of \$1,000,000 to \$2,000,000 over the Department of Transportation's original appraisal until the Transportation Commission has approved the agreement.
 - (b) The Department of Transportation may not enter into a financial settlement agreement that resolves a condemnation or inverse condemnation case and requires payment of more than \$2,000,000 over the Department of Transportation's original appraisal or enter into an action settlement agreement that resolves a condemnation or inverse condemnation case until:
 - (i) the Transportation Commission has approved the agreement; and
 - (ii) the Legislative Management Committee has reviewed the agreement.

Renumbered and Amended by Chapter 382, 2008 General Session

63G-10-402 Department of Transportation construction contract claim settlement agreement approval and review.

- (1) As used in this section:
 - (a) "Claims review board" means a committee established by the department to hear unresolved claims and make recommendations for settlement to the deputy director of the department.
 - (b) "Department" means the Department of Transportation created in Section 72-1-201.
 - (c) "Settlement agreement" includes stipulations, consent decrees, settlement agreements, or other legally binding documents or representations resolving a dispute between the department and another party when the department is required to pay money or required to take legally binding action.

- (2) The department shall obtain the approval of the Transportation Commission or the governor or review by the Legislative Management Committee of a settlement agreement that involves a construction contract claim in accordance with this section.
- (3) A construction contract claim settlement agreement that is being recommended by the department's claims review board that might cost government entities more than \$100,000 to implement shall be presented to the Transportation Commission for approval or rejection.
- (4) A construction contract claim settlement agreement that is being recommended by the department's claims review board that might cost government entities more than \$500,000 to implement shall be presented:
 - (a) to the Transportation Commission for approval or rejection; and
 - (b) to the governor for approval or rejection.
- (5)
 - (a) A construction contract claim settlement agreement that is being recommended by the department's claims review board that might cost government entities more than \$1,000,000 to implement shall be presented:
 - (i) to the Transportation Commission for approval or rejection;
 - (ii) to the governor for approval or rejection; and
 - (iii) if the construction contract claim settlement agreement is approved by the Transportation Commission and the governor, to the Legislative Management Committee.
 - (b) The Legislative Management Committee may recommend approval or rejection of the construction contract claim settlement agreement.
- (6)
 - (a) The department may not enter into a construction contract claim settlement agreement that is being recommended by the department's claims review board that might cost government entities more than \$100,000 to implement until the Transportation Commission has approved the agreement.
 - (b) The department may not enter into a construction contract claim settlement agreement that is being recommended by the department's claims review board that might cost government entities more than \$500,000 to implement until the Transportation Commission and the governor have approved the agreement.
 - (c) The department may not enter into a construction contract claim settlement agreement that is being recommended by the department's claims review board that might cost government entities more than \$1,000,000 to implement until:
 - (i) the Transportation Commission has approved the agreement;
 - (ii) the governor has approved the agreement; and
 - (iii) the Legislative Management Committee has reviewed the agreement.

Enacted by Chapter 361, 2011 General Session

63G-10-403 Department of Transportation bid or request for proposals protest settlement agreement approval and review.

- (1) As used in this section:
 - (a) "Department" means the Department of Transportation created in Section 72-1-201.
 - (b) "Settlement agreement" includes stipulations, consent decrees, settlement agreements, or other legally binding documents or representations resolving a dispute between the department and another party when the department is required to pay money or required to take legally binding action.

- (2) The department shall obtain the approval of the Transportation Commission or the governor or review by the Legislative Management Committee of a settlement agreement that involves a bid or request for proposal protest in accordance with this section.
- (3) A settlement agreement that is being settled by the department as part of a bid or request for proposal protest, in accordance with Subsection 63G-6a-1602(7), that might cost government entities more than \$100,000 to implement shall be presented to the Transportation Commission for approval or rejection.
- (4) A settlement agreement that is being settled by the department as part of a bid or request for proposal protest, in accordance with Subsection 63G-6a-1602(7), that might cost government entities more than \$500,000 to implement shall be presented:
 - (a) to the Transportation Commission for approval or rejection; and
 - (b) to the governor for approval or rejection.
- (5)
 - (a) A settlement agreement that is being settled by the department as part of a bid or request for proposal protest, in accordance with Subsection 63G-6a-1602(7), that might cost government entities more than \$1,000,000 to implement shall be presented:
 - (i) to the Transportation Commission for approval or rejection;
 - (ii) to the governor for approval or rejection; and
 - (iii) if the settlement agreement is approved by the Transportation Commission and the governor, to the Legislative Management Committee.
 - (b) The Legislative Management Committee may recommend approval or rejection of the settlement agreement.
- (6)
 - (a) The department may not enter into a settlement agreement that resolves a bid or request for proposal protest, in accordance with Subsection 63G-6a-1602(7), that might cost government entities more than \$100,000 to implement until the Transportation Commission has approved the agreement.
 - (b) The department may not enter into a settlement agreement that resolves a bid or request for proposal protest, in accordance with Subsection 63G-6a-1602(7), that might cost government entities more than \$500,000 to implement until the Transportation Commission and the governor have approved the agreement.
 - (c) The department may not enter into a settlement agreement that resolves a bid or request for proposal protest, in accordance with Subsection 63G-6a-1602(7), that might cost government entities more than \$1,000,000 to implement until:
 - (i) the Transportation Commission has approved the agreement;
 - (ii) the governor has approved the agreement; and
 - (iii) the Legislative Management Committee has reviewed the agreement.

Amended by Chapter 355, 2016 General Session